

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DOUGLAS MARSHALL, et al.,	:	Case No. 2:21-cv-04336 GEKP
Plaintiffs,	:	
v.	:	DECLARATION OF
	:	DOUGLAS MARSHALL
PETER C. AMUSO, et al.,	:	
Defendants.	:	

I, Douglas Marshall, hereby declare that:

1. I am adult and am competent to make this declaration, which is based on my personal knowledge.

2. I reside in Lower Makefield Township, Pennsylvania, which is in the Pennsbury School District.

3. Attached as Exhibit A is a true and correct copy of Pennsbury School Board Policy 903 that is currently in effect. I downloaded it from the Pennsbury School District's website.

4. Attached as Exhibit F is a true and correct copy of the Pennsbury School Board Meeting Minutes for December 3, 2020, obtained from the Pennsbury website.

5. The video found at <https://bit.ly/3A5f4Bn> is a true and accurate depiction of what I saw, heard, and spoke at the Pennsbury school board's March 18, 2021, meeting, which I attended.

6. At the outset of the March 18, 2021 meeting's public comment period, the board displayed a warning that "personally directed, abusive, obscene, or irrelevant" comments would be "ended immediately" as Christine Toy-Dragoni stated that "[t]he policy is on your screens right now and so just keeping in mind that we are adhering to our policy guidelines and enforcing with the option to mute anyone who is in violation of that policy" (timestamp at 41:55-42:11).

7. I spoke about Pennsbury's "equity" initiative and questioned whether "we should be implanting in the students' minds this idea that America is inherently racist" (timestamp at 47:30-47:39). I rejected teaching that "white people seem to have a proclivity toward racism," and stated my opinion that Cherrissa Gibson had inverted Martin Luther King's message of colorblindness at a recent discussion concerning "equity" (time stamp at 47:40 -48:42).

8. I also asserted that children are being "handicapped they are being taught that they are either victims or victimizers," creating a divisive wedge between students (time stamp 48:45-49:05). I noted that ours is a diverse country, and I did not wish to see students walking school hallways and feeling guilty about the color of their skin (time stamp at 49:05-49:19).

9. I then said:

[H]istorically, quite frankly, it's the Left that's always been problematic regarding race, only the Left owned slaves. And then we had the Emancipation Proclamation, to which the Left responded with a terrorist group known as the Ku Klux Klan, and legislatively the Jim Crow laws which disenfranchised black people. We had Margaret Sanger, who created the American Eugenics Society, which eventually became Planned Parenthood . . . LBJ created the Great Society which incentivized the destruction of many black

families, the Clinton Crime Bill, which created much larger penalties for possession of cocaine among young black men . . . I don't think in any way that Republicans are innocent . . .

(time stamp at 49:19-50:25).

10. I continued, "What we're really talking about here is, what's the proper approach in teaching our children... I think it's a very complex issue, and I don't think it can be approached through the prism of diversity, equity and inclusivity..."

(Time stamp at 50:29-50:44).

11. I also said:

In 2019 FBI statistics showed that only 9 unarmed black men were killed by police and 19 unarmed white men. The point I'm making is that that's not focused upon by the media so people don't really focus upon that. You have thousands of young black men who are being shot and some killed in inner cities but the media doesn't focus on them. We are not going to resolve that in fact we're going to exacerbate that problem with a curriculum like this.

(Time stamp at 50:47-51:20).

12. I referenced the Pledge of Allegiance's homage to an "indivisible" nation, and added, in reference to the "equity" policy, "that's not what we're doing here." (time stamp at 51:21-51:32). I then said that "this is a highly complex issue, I don't think I have the answers," but called upon the board to consider the approach to civics education endorsed by Florida Governor Ron DeSantis or other educational approaches "because I just don't think this is going to be a way to resolve the divisions that we see, I think we're hurting the students, and creating guilt and victims and victimization, which is not productive for them." (time stamp at 51:32-52:07).

13. Attached as Exhibit K is a true and correct copy of the Statement of the Pennsbury Board dated March 31, 2021 obtained from Pennsbury's website. Christine Toy-Dragoni released the statement, in which she characterized my public comments at the March 18, 2021 school board meeting as abusive and announced that my "inappropriate comments" had been edited from the publicly posted recording of the meeting.

14. In the course of publishing the recording of the March 18, 2021 school board meeting, Pennsbury removed almost all of my public comment, including the parts where I stated opinions and cited to evidence. The video stored at link.ifs.org/PennsburyBoardEdit is a true and accurate copy of that censored recording, which I saw shortly after that meeting. Following public outcry, the full video of my comment was restored, with a disclaimer from the board, but the censored version was up on the school district website for at least a few weeks.

15. The video found at <https://bit.ly/3l6BHkF> is a true and accurate depiction of what I saw, heard, and spoke at the Pennsbury school board's May 20, 2021, meeting, which I attended in person. It contains my full public comments.

16. During the public comment portion of the May 20, 2021 meeting, I had the following exchange with School Board Vice President Joshua Waldorf and Pennsbury's Assistant Solicitor Peter Amuso:

Marshall: At the last meeting, the equity and critical race theory audit was reviewed, and the crux of that was that there were different—

Waldorf: I apologize. It's not what it's called. That is not--

Marshall: That's how I'm addressing it and I--

Waldorf: That's not what it's called.

Marshall: That's what I'm calling it.

Amuso: Then your comments are irrelevant then if you're not going to call it by the right term.

17. As I tried to speak, Amuso continued speaking over me, shouting, "It's the equity policy! It's the equity policy!" (time stamp at 1:47:06-1:47:34). I then attempted to respond to Amuso's censorship stating, "Alright, I'm telling you what I think it is, but if you'd like I'll use your term, although I disagree with it, fair enough?" Amuso allowed me to continue: "Equity policy, go ahead." (time stamp at 1:47:34-1:47:41). I attempted to continue speaking on the "equity" curriculum that was a subject of the May meeting, but was again interrupted by Amuso:

Marshall: The curriculum that's being used here in Pennsbury, diversity, inclusivity and equity, and it's known by other phrases nationwide, often cherry-picks facts to create what I feel is a predetermined narrative which again, stigmatizes certain groups of people. And yet there are many facts that are not included in the curriculum which I think just aren't included because they don't fit the official narrative.

For example, first-generation Nigerian immigrants excel to the top of the academic socio-economic ladder of success, or—

Amuso: Alright, alright, we're just, you're getting into irrelevancies, we're just going to stop you, you're done.

(time stamp at 1:50:18-1:51:05).

18. I then attempted to explain why my speech was relevant, but Amuso kept shouting "You're done!" Amuso shouted "You're done" a total of eleven times drowning out my attempts to explain the relevance of my speech or fully state my opinions. (time stamp 1:51:05-1:51:30).

19. At no time during the May 20, 2021 meeting was I disruptive or disorderly. I did not raise my voice, and was often barely audible owing to Amuso's performance. And while I objected to Amuso's behavior, I complied with Amuso's unlawful order to leave the speaker's microphone and seat. (time stamp at 1:45:50-1:51:40).

20. Several of the board members later stated on video that they were glad that Amuso censored me. Debra Wachspress thanked Amuso. Linda Palsky also voiced her approval and T.R. Kannan said he was "glad" that I was expelled from the microphone. Waldorf spoke about how "naïve" he was to welcome public comment and that my speech had proven him wrong (time stamp at 2:06:10-2:08:55).

21. I have become more circumspect and reluctant to share my opinions at Pennsbury school board meetings after experiencing Defendants' conduct toward me and reading Gibson's emails about removing my comments from the video record and calling for an "in the moment" process for stopping comments she dislikes.

22. In particular, I was taken aback by defendant Amuso repeatedly shouting at me and stopping me from sharing the success of Nigerian immigrants to America. For example, I would like to have also shared more information about Asian-

American groups coming out against critical race theory in education. I haven't shared these opinions because of Defendants' policies and their application of them.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 7, 2021.


DOUGLAS MARSHALL